D.B. CRIMINAL REVISION PETITION NO.704/2006
(Nema Ram Vs. State of Rajasthan & Ors.)

DATE OF ORDER : 28.08.2006

**HON'BLE MR. JUSTICE N.N.MATHUR**
**HON'BLE MR. JUSTICE R.P.VYAS**

Mr. Shambhoo Singh for the petitioner.
Mr. JPS Choudhary, Public Prosecutor.

This is complainant's revision against the judgment dated 23.02.2006 passed by the learned Additional Sessions Judge (Fast Track) No.2, Pali, acquitting the accused respondents. The complainant-petitioner lodged a written report on 31.08.2004 at Police Station Guda Andala, Pali stating inter alia that his elder brother deceased Kharta Ram left the house for attending 'Satsang' but he did not return till late night. In the morning, his dead body was found in the 'Nohra'. On this, police registered a case for offence under Sections 302/34, 201 IPC and proceeded with the investigation.

After usual investigation, police laid charge sheet against the accused respondents. During the trial, the prosecution examined as many as 34 witnesses and produced number of documents. The prosecution has mainly relied upon two circumstances. Firstly, that in the night while the deceased was returning from 'Satsang', the accused respondents were seeing following him. The second circumstance is that the accused

respondents had given him threatening of dire consequences. Most of the prosecution witnesses have turned hostile as they have not supported the prosecution case. Even otherwise, the only circumstance that the accused respondents were seen following the deceased, in itself is not sufficient. Even if, though both the circumstances have not been proved but on its face value, they are not sufficient to connect the respondents with the alleged crime. The order of acquittal is passed on cogent reasons.

No interference is warranted with the order of acquittal. The revision petition stands dismissed accordingly.

**(R.P.VYAS),J.** **(N.N.MATHUR),J.**

**Msr/-**